

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) FANSTEEL METALS, INC.,	)	
F/K/A FMRI, INC.	)	
	)	
Plaintiff,	)	
vs.	)	Civil Action No.6:22-cv-00366-JFH-
	)	GLJ
(1) CITIGROUP, INC.; and	)	
(2) UNION CARBIDE CORPORATION	)	
	)	
Defendants.	)	

**DEFENDANT UNION CARBIDE CORPORATION’S SEVENTH UNOPPOSED  
MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE  
RESPOND TO COMPLAINT [Dkt. 2]**

**COMES NOW** Defendant Union Carbide Corporation (“Union Carbide”), by and through its counsel of record, and, while reserving all defenses as stated in all previous status reports, extension requests, and the Eighth Joint Status Report [Dkt. 66], respectfully requests an extension to April 7, 2025, of its time to answer or file other responsive pleading to Plaintiff’s Complaint in this case.

1. The reasons for this request are stated in more detail in the Eighth Joint Status Report of the Parties filed on December 30, 2024, incorporated herein by reference. [Dkt. 66.]

2. The current deadline for Union Carbide to Answer or otherwise respond to Plaintiff’s Complaint is January 6, 2025. [Dkt. 65.]

3. Since the filing of the Seventh Joint Status Report, on August 20, 2024 [Dkt. 61], there has been progress regarding the Fansteel Site, which is at issue in this CERCLA action. As the Eighth Joint Status Report more fully describes, this Defendant understands from Plaintiff’s counsel that EPA and DOJ Enforcement have now determined which Defendants will be classified as *de minimis* and non-*de minimis* for purposes of *de minimis* settlement offers issued by EPA to *de minimis* Defendants, and Plaintiff has provided to the Defendants in this

case a settlement agreement form dealing with past response costs. Since the Seventh Joint Status Report, Plaintiff has provided Union Carbide with partial documentation for claimed past costs. However, the production of past cost documentation that Union Carbide needs to evaluate settlement is incomplete. Union Carbide understands from Plaintiff's counsel that his client is working diligently to assemble and produce remaining documentation and Plaintiff estimates production of the remaining documents by January 31, 2025.

4. However, the Parties believe that it will be beneficial to continue informal document sharing while awaiting final information from the U.S. EPA's third-party contractor. Due to timing of the issues noted in the Eighth Joint Status Report; evaluation of the revised settlement agreement form; because the Parties continue to await the U.S. EPA's final calculations or its determination of the percentage of total alleged RWM volume at the Fansteel Site attributable to specific Defendants; and because this information is necessary before proceeding with pleadings and discovery, this Defendant and the Parties believe that the requested extension of time to answer or file a responsive pleading will save judicial resources, streamline this case, and may facilitate settlement discussions between the Parties. *See* Dkt. 66. Thus, Union Carbide submits that there is good cause for the requested extension of time stated in the Eighth Joint Status Report (April 7, 2025) for its new deadline to answer or to otherwise respond to Plaintiff's Complaint.

5. Union Carbide previously filed an unopposed motion for an extension of time on May 31, 2023 [Dkt. 32], for reasons set out in that motion and more fully in the Second Joint Status Report filed May 22, 2023 [Dkt. 31], which the Court granted in its Minute Order of May 31, 2023, making Union Carbide's deadline to answer or otherwise respond September 1, 2023. [Dkt. 33.]

6. Union Carbide filed a second unopposed motion for extension of time to answer or otherwise respond on or about August 22, 2023 [Dkt. 38], for the reasons stated therein and the Third Joint Status Report filed on August 21, 2023 [Dkt. 37], which was granted on August 22, 2023, making Union Carbide's deadline to answer or otherwise respond December 1, 2023. [Dkt. 39.]

7. Union Carbide filed a third unopposed motion for extension of time to answer or otherwise respond on or about November 28, 2023 [Dkt. 44], which was granted on November 28, 2023, making Union Carbide's deadline to answer or otherwise respond April 1, 2024. [Dkt. 45.]

8. Union Carbide filed a fourth unopposed motion for extension of time to answer or otherwise respond on or about March 22, 2024 [Dkt. 49], which was granted on March 25, 2024, making Union Carbide's deadline to answer or otherwise respond July 1, 2024. [Dkt. 50.]

9. Union Carbide filed a fifth unopposed motion for extension of time to answer or otherwise respond on or about June 24, 2024 [Dkt. 56.], which was granted on June 24, 2024, making Union Carbide's deadline to answer or otherwise respond September 3, 2024. [Dkt. 57.]

10. Union Carbide filed a sixth unopposed motion for extension of time to answer or otherwise respond on August 26, 2024 [Dkt. 64], which was granted on August 26, 2024, making Union Carbide's deadline to answer or otherwise respond January 6, 2025. [Dkt. 65]. This requested new deadline of April 7, 2025 matches the requested extended response deadline in the Eighth Joint Status Report [Dkt. 66].

11. There is currently no scheduling order in this case, and no trial has been set, and the requested extension will not have any effect on any other deadlines.

12. Counsel for Plaintiff and counsel for Defendant Citigroup Inc. have indicated that each consent to and have no objection to Union Carbide's requested extension of time to answer or otherwise respond to the Complaint.

13. A proposed Order will be submitted pursuant to the Local Rules.

**WHEREFORE, PREMISES CONSIDERED,** Defendant Union Carbide Corporation respectfully requests that the Court grant Union Carbide Corporation an extension until April 7, 2025, to file its Answer or other responsive pleading.

Respectfully submitted,

/s/ Ethan M. Sneed

Garrett L. Boehm, Jr.\* (Illinois Bar. No. 6269438)

Michael J. Linneman\* (Illinois Bar. No. 6275375)

Daniel Y. Yukich\* (Illinois Bar. No. 6307378)

JOHNSON & BELL, LTD.

33 W. Monroe St., Suite 2700

Chicago, Illinois 60603

Telephone: (312) 372-0770

Facsimile: (312) 372-9818

boehmg@jbltd.com

linnemanm@jbltd.com

yukichd@jbltd.com

~and~

RICHARDS & CONNOR

James W. Connor, Jr., OBA #12248

Ethan M. Sneed, OBA #32872

12<sup>th</sup> Floor, ParkCentre Bldg.

525 S. Main St.

Tulsa, Oklahoma 74103

Telephone: (918) 585-2394

Facsimile: (918) 585-1449

jconnor@richardsconnor.com

esneed@richardsconnor.com

*\* Admitted pro hac vice*

*Attorneys for Defendant Union Carbide Corp.*

